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VISA INTERNATIONAL SERVICE ASSOCIATION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SAFECLICK, LLC, an Iowa limited liability company,)	Case No. C03-05865 SBA ADR
)	
Plaintiff,)	STIPULATION AND
)	ORDER
vs.)	
)	JUDGE: Honorable Sandra B.
VISA INTERNATIONAL SERVICE ASSOCIATION., a Delaware corporation, and)	Armstrong
VISA U.S.A., INC., a Delaware corporation,)	
Defendants.)	
)	

The parties have met and conferred concerning possible revisions to the case management schedule. Due to circumstances beyond the control of the parties, it is necessary to conduct some of the noticed depositions after the current discovery deadline. This, in turn, requires a short extension of the expert report deadlines. It will not affect any other scheduled dates. Thus, pursuant to their discussions, and in order to avoid the need for motions practice, the parties jointly propose the following modifications to the case management schedule currently in effect, with changes noted in **bold**:

<u>Rule</u>	<u>Event</u>	<u>Explanation of Time Interval</u>	<u>Proposed Date</u>
	Fact discovery cutoff, save for depositions agreed to by the parties,¹ on all issues	Sufficient time to conduct depositions	Sept. 1, 2005
	Hearing on Visa's limited motion for summary judgment		Sept. 20, 2005
	Opening expert reports by parties with burden of proof		Sept. 19, 2005
	Deposition discovery cutoff for depositions agreed to by the parties, on all issues	Sufficient time to conduct depositions	Oct. 7, 2005
	Rebuttal expert report re non-infringement and invalidity	23 days after opening expert reports	Oct. 12, 2005
	Rebuttal expert report re damages	30 days after opening expert reports	October 19, 2005

¹ The parties have agreed to hold the following depositions after the fact-discovery cutoff: Messrs. Yakel, McCarthy, Lewis, Codding, Brockhaus, Rikard and Makeig; in addition to a deposition of Visa U.S.A. and Visa International pursuant to Federal Rule of Civil Procedure 30(b)(6) under notices previously served.

<u>Rule</u>	<u>Event</u>	<u>Explanation of Time Interval</u>	<u>Proposed Date</u>
	Last day to file dispositive motions	35 days before last day to hear dispositive motions	Nov. 8, 2005
	Close of expert discovery	30 days after rebuttal expert reports	Nov. 11, 2005
	Opposition briefs to dispositive motions filed on deadline	21 days before last day to hear dispositive motions	Nov. 22, 2005
Standing order	Parties meet and confer re pretrial conference	41 days before pretrial conference	Nov. 29, 2005
	Reply briefs re dispositive motions filed on deadline	14 days before last day to hear dispositive motions	Nov. 29, 2005
Standing order	Parties file joint pretrial statement	35 days before pretrial conference	Dec. 5, 2005
Standing order	Parties file motions <i>in limine</i> and objections to evidence	28 days before pretrial conference	Dec. 12, 2005
	Last day to hear dispositive motions		Dec. 13, 2005
Standing order	Parties file responses to motions <i>in limine</i> and objections to evidence	21 days before pretrial conference	Dec. 19, 2005
March 15, 2005 Order of Magistrate Judge Chen	Final mandatory settlement conference (to be set by Magistrate Judge)		Pursuant to Magistrate Judge Chen's order, Settlement conference held on August 5, 2005. Further conferences may be scheduled as appropriate.

<u>Rule</u>	<u>Event</u>	<u>Explanation of Time Interval</u>	<u>Proposed Date</u>
Prior order	Pretrial conference		Jan. 10, 2006
Prior order	Trial (7-8 trial days) ²		Jan 23, 2006

The parties do not propose any other modifications to the existing Case Management Order.

Dated: August 29, 2005 /s/ Mark L. Levine
Attorney for Plaintiff

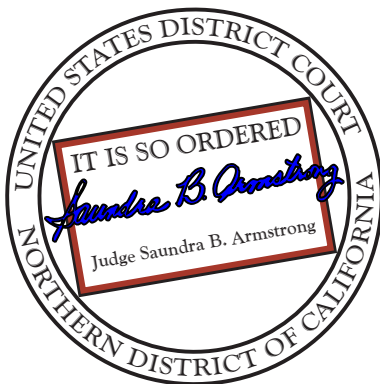
Dated: August 29, 2005 /s/ Michael M. Markman
Attorney for Defendants

CASE MANAGEMENT ORDER

The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order.

Dated: September 2, 2005

SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE



² Visa proposes that the question of damages be tried separately from the other issues, only following a verdict of infringement of a valid patent claim. Safelick opposes this proposal. The parties have agreed to leave the issue open for the purposes of this [proposed] case management order, subject to later motion and/or briefing on the issue.